



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of June 8, 2005

9:00 a.m., Commission Offices, 242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of minutes of the February 17, 2005 and March 9, 2005 meetings

NEW BUSINESS

2. Request for Reconsideration by Christopher M. McCarthy

At its May 10, 2005 meeting, the Ethics Commission assessed civil penalties totaling \$8,967.85 against candidate Christopher M. McCarthy for filing the October 27, 2004 and December 14, 2004 campaign finance reports late, and for failing to return \$845.72 in unspent Maine Clean Election Act funds by December 14, 2004. Mr. McCarthy has requested that the Commission reconsider its May 10 determination.

3. Request for Late Filing Penalty/Kennebunkport Democratic Committee

At its May 10 meeting, the Ethics Commission assessed a civil penalty of \$384.54 against the Kennebunkport Democratic Committee for filing its January 18, 2005 report 13 days late. The committee requests that the Commission reconsider its May 10 determination. *Staff recommendation: the staff recommends against granting reconsideration.*

4. Audit of David Kubiak Campaign/Payments of MCEA Funds to Candidate's Non-Profit

David Kubiak was a candidate for State Senate in the 2004 elections. The Commission staff has reviewed his expenditures of Maine Clean Election Act funds, and wishes to report to the Commission. The staff recommends amending the expenditure guidelines for the 2006 elections to prohibit a Maine Clean Election Act candidate from paying Maine Clean Election Act funds to the candidate or the candidate's business or non-profit for services personally provided by the candidate.

5. Request for Waiver of Late Filing Penalty/Candidate Ronald Drouin

Ronald Drouin was a candidate for the State Senate in the 2004 elections. He filed the 42-day post-general election campaign finance report six days late. The amount of the statutory penalty is \$606.40. Through his attorney, Keith R. Jacques, Mr. Drouin requests a waiver of the penalty because his campaign treasurer, Robert H. Begin, was out of the state for an unexpected family emergency. *Staff recommendation: the staff*

wishes to makes its recommendation at the June 8 meeting after the presentation by the campaign.

6. Request for Waiver of Late Filing Penalty/Lobbyist John F. Lambert, Jr.

John F. Lambert, Jr. is registered as a lobbyist for two employers, Hannaford Bros. Co. and VFW Deering Memorial Post No. 6859. His April monthly reports were due on Monday, May 16, and he filed them three days late on May 19. The total statutory penalty amount for the two late reports is \$200 (\$100 for each report). Mr. Lambert requests a waiver because he had the flu, and was out of the office on Friday, May 13th and Monday, May 16th. *Staff recommendation: the staff recommends the assessment of the statutory penalty of \$200. Although the staff is sympathetic about getting the flu, it appears Mr. Lambert could have filed on time with the assistance of a colleague or support staff given the small amount of information to be disclosed.*

7. Douglas W. Curtis/MCEA Violation – Contribution of \$22.85 in Personal Funds

Douglas W. Curtis was a Maine Clean Election Act candidate for the Maine House of Representatives in the 2004 elections. The Commission staff's review of his campaign suggested that he inadvertently spent \$22.85 in his personal funds in addition to the \$6,078.85 in Maine Clean Election Act funds, seed money, and interest that he was entitled to spend. Although the amount is small, Mr. Curtis' contribution of personal funds to the campaign appears to be a violation of 21-A M.R.S.A. §1125(6). *Staff recommendation: the staff recommends the assessment of a civil penalty of \$22.85 for accepting a prohibited contribution.* Upon being advised of the staff finding and recommendation in a prior letter, Mr. Curtis indicated that he does not wish to dispute the staff finding and has already paid the recommended penalty.

8. John H. Linscott/MCEA Violation – Contribution of \$35.72 in Personal Funds

John H. Linscott was a Maine Clean Election Act candidate for the Maine House of Representatives in the 2004 elections. The Commission staff's review of his campaign suggested that he inadvertently spent \$35.72 in his personal funds in addition to the \$6,576.30 in Maine Clean Election Act funds and seed money that he was entitled to spend. Although the amount is small, Mr. Linscott's contribution of personal funds appears to be a violation of 21-A M.R.S.A. §1125(6). *Staff recommendation: the staff recommends the assessment of a civil penalty of \$35.72 for accepting a prohibited contribution.*

9. Dates of Future Meetings

The Commission staff proposes scheduling the next three meetings on July 13, August 10, and September 14 (the second Wednesday of the months).

Other

Miscellaneous as needed.

EXECUTIVE SESSION

If necessary.

ADJOURNMENT